

SECOND REGULAR SESSION

SENATE BILL NO. 869

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3232S.021

AN ACT

To repeal section 374.755, RSMo, and to enact in lieu thereof one new section relating to bail bond agents, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 374.755, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 374.755, to read as follows:

374.755. 1. The department may cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621, RSMo, against
3 any holder of any license required by sections 374.695 to 374.775 or any person
4 who has failed to renew or has surrendered his or her license for any one or any
5 combination of the following causes:

6 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or
7 alcoholic beverage to an extent that such use impairs a person's ability to perform
8 the work of the profession licensed under sections 374.695 to 374.775;

9 (2) Final adjudication or a plea of guilty or nolo contendere [within the
10 past fifteen years] in a criminal prosecution under any state or federal law for a
11 felony or a crime involving moral turpitude whether or not a sentence is imposed,
12 prior to issuance of license date;

13 (3) Use of fraud, deception, misrepresentation or bribery in securing any
14 license or in obtaining permission to take any examination required pursuant to
15 sections 374.695 to 374.775;

16 (4) Obtaining or attempting to obtain any compensation as a member of
17 the profession licensed by sections 374.695 to 374.775 by means of fraud,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 deception or misrepresentation;

19 (5) Misappropriation of the premium, collateral, or other things of value
20 given to a bail bond agent or a general bail bond agent for the taking of bail,
21 incompetency, misconduct, gross negligence, fraud, or misrepresentation in the
22 performance of the functions or duties of the profession licensed or regulated by
23 sections 374.695 to 374.775;

24 (6) Violation of any provision of or any obligation imposed by the laws of
25 this state, department of insurance rules and regulations, or aiding or abetting
26 other persons to violate such laws, orders, rules or regulations, or subpoenas;

27 (7) Transferring a license or permitting another person to use a license
28 of the licensee;

29 (8) Disciplinary action against the holder of a license or other right to
30 practice the profession regulated by sections 374.695 to 374.789 granted by
31 another state, territory, federal agency or country upon grounds for which
32 revocation or suspension is authorized in this state;

33 (9) Being finally adjudged insane or incompetent by a court of competent
34 jurisdiction;

35 (10) Assisting or enabling any person to practice or offer to practice the
36 profession licensed or regulated by sections 374.695 to 374.789 who is not
37 currently licensed and eligible to practice pursuant to sections 374.695 to 374.789;

38 (11) Acting in the capacity of an attorney at a trial or hearing of a person
39 for whom the attorney is acting as surety;

40 (12) Failing to provide a copy of the bail contract, renumbered written
41 receipt for acceptance of money, or other collateral for the taking of bail to the
42 principal, if requested by any person who is a party to the bail contract, or any
43 person providing funds or collateral for bail on the principal's behalf.

44 2. After the filing of such complaint, the proceedings shall be conducted
45 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
46 administrative hearing commission that one or more of the causes stated in
47 subsection 1 of this section have been met, the director may suspend or revoke
48 the license or enter into an agreement for a monetary or other penalty pursuant
49 to section 374.280.

50 3. In lieu of filing a complaint at the administrative hearing commission,
51 the director and the bail bond agent or general bail bond agent may enter into an
52 agreement for a monetary or other penalty pursuant to section 374.280.

53 4. In addition to any other remedies available, the director may issue a

54 cease and desist order or may seek an injunction in a court of competent
55 jurisdiction pursuant to the provisions of section 374.046 whenever it appears
56 that any person is acting as a bail bond agent or general bail bond agent without
57 a license or violating any other provisions of sections 374.695 to 374.789.

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Bill

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